

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES A. BATTLE, JR.,)
Plaintiff,)
v.) CASE NO. C10-5410-RSM-MAT
ALAN BAALAER, *et al.*,)
Defendants.) ORDER GRANTING DEFENDANTS'
) MOTION FOR LEAVE TO DEPOSE
) PLAINTIFF AND FOR RELIEF FROM
) DEADLINE
)

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. On September 8, 2011, defendants presented to the Court for consideration a motion for leave to depose plaintiff and for an extension of the discovery deadline for purposes of taking the deposition. Defendants noted their motion on the Court's calendar for consideration on September 16, 2011. Defendants acknowledge that their motion is not noted for the third Friday after filing and service, as required by the local rules, but they ask for relief from that requirement given time constraints they are currently facing.

Defendants motion, and the accompany declaration of counsel, demonstrate that plaintiff was served with a notice for deposition on August 16, 2011, in which he was advised that his deposition was to be taken at his place of incarceration on September 14, 2011. (Dkt.

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01 No. 87, Ex. A.) On September 5, 2011, plaintiff directed a letter to defendants' counsel
02 advising her that he objected to the request for deposition under Fed. R. Civ. P. 30(a)(2)(A) and
03 (B) and that he was going to require her to seek leave of Court in order to take his deposition.
04 (Dkt. No. 87, Ex. B.) The instant motion followed.

05 As plaintiff has no valid basis for objecting to the taking of his own deposition, and as
06 defendants' counsel has apparently made arrangements with corrections officials at plaintiff's
07 place of incarceration for the taking of plaintiff's deposition, in accordance with Local Rule CR
08 30(a)(2) (*see* Dkt. No. 87, Ex. A at 4), there is no reason to delay a ruling on defendants'
09 pending motion. Accordingly, the Court does hereby ORDER as follows:

10 (1) Defendants' motion for leave to take plaintiff's deposition (Dkt. No. 86) is
11 GRANTED.

12 (2) Defendants motion for relief from the discovery deadline is also GRANTED.
13 The discovery deadline is extended to ***October 20, 2011*** for the sole purpose of taking
14 plaintiff's deposition, and the dispositive motion filing deadline is extended to ***November 21,***
15 ***2011*** in order to accommodate the new discovery deadline.

16 (3) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
17 defendants, and to the Honorable Ricardo S. Martinez.

18 DATED this 12th day of September, 2011.

19
20 
21 Mary Alice Theiler
22 United States Magistrate Judge